

RULS-AD-1980-240

5/30/80

Plaintiff letter to Master re further amendments
to Land Ordinance

pgs. 6

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REC'D AT CHAMBL
JUN 2 - 1980
JUDGE LEAHY

May 30, 1980

Mr. George M. Raymond
Raymond, Parish, Pine &
Weiner
555 White Plains Road
Tarrytown, New Jersey 10591

Re: Allan-Deane Corporation v.
v. Bedminster Township

Dear Mr. Raymond:

My client, Allan-Deane Corporation, has asked me to thank you for resolving most of the issues raised in our letter to the Court of May 20, 1980, at the work sessions on May 20, 1980 and May 21, 1980, at which you presided over. We join with you in commending all parties to this litigation and, particularly, your office for the cooperative attitude and determination to resolve the outstanding issues displayed at those meetings. Unfortunately, due to the complexities of the Ordinance itself and the time pressures which we were under, a few matters, some of which were raised at those meetings and some of which were raised previously, remain unresolved.

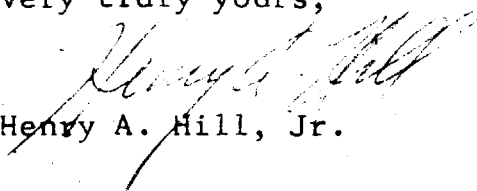
I am attaching a short list of 16 items which have not been resolved and which we feel could be resolved at this time so that Allan-Deane will be in a position to endorse the Ordinance before the Court. We believe that many of these items including Items #1, #3, #4, #5, #6 #7, #8, #9, #11, #12, #13, #14 and #16 have been agreed upon but have simply not found their way into the Ordinance. We feel that one more meeting with the

RUIS - AD - 1980 - 240

Mr. George M. Raymond
May 30, 1980
Page 2

Township at which we would attempt to resolve these issues, would be productive and could be accomplished in no more than 2 hours.

Very truly yours,



Henry A. Hill, Jr.

HAH/vwa
Enclosure

cc: ✓Honorable B. Thomas Leahy
Mr. Gerald Lenaz
Alfred Ferguson, Esq.
Edward Bowlby, Esq.
American Civil Liberties Union
(all w/encls.)

MEMORANDUM

TO: George M. Raymond
Raymond, Parish, Pine & Weiner

FROM: The Allan-Deane Corporation

RE: Further Recommended Amendments to the
Bedminster Land Development Ordinance

DATE: May 30, 1980

1. Zoning Map

Recommend the critical area (slope) be resolved prior to and included in the adopted Ordinance. Also, the map should be classified to include in the P.U.D. district, the land above O'Connell and Ellsworth.

2. Page 600-5, Section 605 A

Definition of Critical Area - Recommend that slopes between 15-20% be defined as sensitive, allowing a higher density credit and not limiting construction, and that slopes over 20% be defined as critical with the restrictions as presently defined in the ordinance.

3. Page 800-14, Section 804 C

Environmental Impact Statement - While we appreciate the intent in your letter to Judge Leahy of May 27, 1980, we feel that it would be beneficial at this time to establish a mutually agreed-to list of those items which would be appropriately contained in Allan-Deane's E.I.S. This would, in our opinion, avoid future conflicts relative to the content of the statement.

4. Page 800-18, Section 804 D

Community Impact Statement - Same recommendation as above for E.I.S.

5. Page 800-15, Section 804 C 1d

Environmental Impact Statement - Language should be added to the effect that if in a planned development an environmental impact statement is prepared as part of a Phase I preliminary plan, additional E.I.S.'s will not be required for Phase II preliminary plan submission requirements.

6. Page 800-18, Section 804 D

Community Impact Statement - Same recommendation as above for E.I.S.

7. Page 600-11, Section 606 D 1a

Permitted Uses - Correct reference to 606 C1, (not 601 C1) and add paragraph which permits garden apartments in P.U.D.'s.

8. Page 600-7, Section 606 B 5a

Add language that permits the referenced dwelling unit types in 404 D but does not require that the buildings be put on separate lots and that the distance between buildings then becomes the sum of two abutting yards as defined in 404 D.

9. Page 300-9, Section 804 B

Revise last sentences in second paragraph to read:

"Each preliminary plat or plan shall show the following information, as appropriate to a subdivision plat or site plan, unless the municipal agency determines and so notifies the applicant that such information..."

10. Page 400-10, Section 405 D (Schedule)

FAR for non-residential uses and page 600-12 D 5 b(a) FAR for Commerical in P.U.D.'s - The VN district permits an FAR of 35% for non-residential, including commercial while the P.U.D. permits only a 25% FAR

for commercial uses. There is no apparent reason for this difference since both serve the same function. We therefore recommend that Allan-Deane be treated in an equitable fashion and the FAR in the P.U.D. be made 35%.

11. Page 500-6, Section 506 A

Change to read:

"The preservation of natural features such as trees, hilltops and views, natural terrain, open waters and natural drainage ridge lines shall be considered in the design of any development containing such feature."

12. Page 600-5, Section 605 D & E

Change Item #3 FAR to Building Coverage to make it consistent with other provisions of the PD standards.

13. Page 600-13, Section 606 D 10c

This section requires that 20% of the subsidized and/or least-cost units shall be sold at costs pegged to Somerset County median income. We object to this provision because:

1. It discriminates against Allan-Deane because it is different than Section 606 B 9 (b) which applies to other developments.
2. It is illegal because it requires Allan-Deane to sell units outright rather than permitting rentals.
3. It serves no public purpose.

We suggest that Section 606 C 9b be inserted in its place or 606 D 10c be modified to allow internally subsidized rental units as well as for sale units. Pricing should be modified as follows:

For Sale: 3 x the Annual Income
Rental: 1/3 x the Annual Income

14. Page 800-31, Section 807 D c

It was our understanding that this provision would be eliminated but no modifications to this effect were contained in Richard Coppola's Memo 14-80.

15. Section 800

A provision to enable the minor subdivision of parcels of land within a P.U.D. should be added. The purpose is to enable larger builders to buy pieces of land for development in accordance with the approved plan. We recommend the provisions on Page 29 of the ordinance modifications Johns-Manville submitted in April, 1980.

16. Page 600-12, Section 606 D 4

P.U.D Density - Revise this paragraph to read as follows:

"Planned Unit Developments shall be developed at an overall gross density of ten (10) dwelling units per acre excluding any acreage devoted to the optional commercial uses.